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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,499	06/14/2002	Matthias Hessling	10191/2152	6405
26646	7590	09/11/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,499

Applicant(s)

HESSLING ET AL.

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/17/06 has been entered.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

Applicant amended the claim 19 as "a method for at least one of electronically encoding, decoding and transmitting location information of objects for a map" is still allegedly directed to non-statutory subject matter. The claim 19 is not statutory, directed to software, per se, lacking storage on a medium, which enable any underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

Applicant amended the claim 30 as "a method of formatting data for at least one of electronically encoding, decoding and transmitting location information of objects for a map" is still allegedly directed to non-statutory subject matter. The claim 30 is not statutory, directed to software, per se, lacking storage on a medium, which enable any

underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

Claims 31, 33 and 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. 35 U.S.C. 101 reads as follows: an electronically encoding device or electronically decoding device, the claims are just transmitting and receiving the location information of a data packet as processing. Thus the claims are not statutory, directed to software, per se, lacking storage on a medium, which enable any underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

Applicant's arguments as the claims anticipated by Yee have been considered and Examiner agreed and withdraws of the rejection. However, the claims 19-37 are not in condition for allowance, see following rejections:

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 recites pronoun "that" is not permitted in the claim. Correction is required.

Claim 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 30, the claims are silent on the required step to formatting data. What the realized is a encoding, decoding and transmitting location information of objects for a map, which is different to a method of formatting data. That, therefore, renders the claims vague and indefinite.

***Claim Rejections - 35 USC § 101***

Claims 19-35 and 37 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant amended the claim 19 as “a method for at least one of electronically encoding, decoding and transmitting location information of objects for a map” is still allegedly directed to non-statutory subject matter. The claim 19 is not statutory, directed to software, per se, lacking storage on a medium, which enable any underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

Applicant amended the claim 30 as “a method of formatting data for at least one of electronically encoding, decoding and transmitting location information of objects for a map” is still allegedly directed to non-statutory subject matter. The claim 30 is not statutory, directed to software, per se, lacking storage on a medium, which enable any underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

Claims 31, 33 and 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. 35 U.S.C. 101 reads as follows: an electronically encoding device or electronically decoding device, the claims are just transmitting and receiving the location information of a data packet as processing. Thus the claims are not statutory, directed to software, per se, lacking storage on a medium, which enable any underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19, 28- 31, 33 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Yee et al. (US 6044323) (hereafter Yee).

Regarding claims 19, 30, 31, 33 and 36, Mannings discloses: A method for at least one electronically of encoding, decoding and transmitting location information (fig. 1 and 2 and corresponding text, Yee), the method comprising:

at least one of encoding, decoding and transmitting location information of a data packet (data packet 80, fig. 3 and corresponding text, Yee), the location information including locating information (data packet and its destination) and description information (subscriber ID and subscriber traffic), wherein the data packet separately contains the locating information and the description information, and includes assignment information (packet that carry subscriber traffic to route such packet 80 to the traffic channels assigned to the identified subscriber unit 92) for assigning at least a part of the locating information to at least a part of the description information (col. 6, lines 60 to col. 7, lines 24, Yee).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Yee discloses: wherein the data packet includes a header part of the location information and a data part of the location information (82, fig. 3 and corresponding text, Yee).

Regarding claim 29, all the limitations of this claim have been noted in the rejection of claim 28 above. In addition, Yee discloses: wherein the header part includes structure information specifying a data structure of the location information, and includes interpreting instructions specifying a purpose of the location information (as data packet has routing code 84 is included to instruct the satellite communication network where to deliver the packet, Yee).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-27, 32, 34, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. (US 6044323) (hereafter Yee) in view of Mannings et al. (US 6169515) (Mannings).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19 above. However, Yee didn't disclose: wherein the locating information includes at least one first coordinate chain that includes at least one first point. On the other hand, Mannings discloses: wherein the locating information includes at least one first coordinate chain that includes at least one first point (col. 14, lines 14-22, Mannings). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step wherein the locating information includes at least one first coordinate chain that includes at least one first point in the system of Yee as taught by Mannings. The motivation being to enable the method give the instructions as the user negotiates a succession of function (decision points) the user can be directed to any destination, the users who are to be directed to the same exit from the junction are given the same instruction..

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 20 above. In addition, Yee/Mannings discloses: wherein the at least one first coordinate chain contains a second point, the at least one first point of the at least one first coordinate



chain is specified in absolute coordinates and the second point of the at least one first coordinate chain is specified in relative coordinates, with respect to one of a centroid coordinate and the at least one first point of the at least one first coordinate chain (col. 13, lines 12-38, Mannings).

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 21 above. In addition, Yee/Mannings discloses: wherein the at least one first point of the at least one first coordinate chain is interpreted in a defined direction by the second point of the at least one first coordinate chain (col. 13, lines 12-38, Mannings).

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Yee/Mannings discloses: wherein the description information includes at least one first attribute field (col. 7, lines 25-51, Yee).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 23 above. In addition, Yee/Mannings discloses: wherein the at least one first attribute field includes a type specification and description data, and the description data is determined by the type specification with respect to at least one of a name, an accuracy, a direction, a time, a point of interest and a physical link (col. 7, lines 25-43, yee).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 23 above. In addition, Yee/Mannings discloses: wherein the assignment information includes at least one first assignment entry and the at least one first attribute field and the at least one first point of the at least one first coordinate chain are assigned to each other by the at least one first assignment entry (col. 14, lines 15-37, Mannings).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claim 25 above. In addition, Yee/Mannings discloses: wherein the at least one first assignment entry includes a reference to the at least one first attribute field and a reference to the at least one first point of the at least one first coordinate chain (col. 14, lines 15-37, Mannings).

Regarding claim 27, all the limitations of this claim have been noted in the rejection of claim 25 above. In addition, Yee/Mannings discloses: wherein the at least one first assignment entry includes one of (i) a reference to the at least one first attribute field and a reference to a plurality of points of coordinate chains of the locating information, and (ii) a reference to a plurality of attribute fields and a reference to the at least one first point of the at least one first coordinate chain<sup>1</sup> (col. 13, lines 12-45, Mannings).

Regarding claim 32, all the limitations of this claim have been noted in the rejection of claims 31 and 20 above. In addition, Yee/Mannings discloses: wherein a definition of the at least one first point of the at least one first coordinate chain is definable as a function of location information query (col. 11, lines 55 to col. 12, lines 4, Mannings).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of claim 33 above. In addition, Yee/Mannings discloses: wherein the location information is at least partially correlatable with data of a first database associated with the decoding device (col. 7, lines 45-48, Mannings).

Regarding claim 35, all the limitations of this claim have been noted in the rejection of claim 34 above. In addition, Yee/Mannings discloses: wherein at least one of location information that is not contained in the first database and location information is not correlated

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<sup>1</sup> The road junction connected between the roads as reference to the assignment entry.

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with data of the first database is stored in a second database associated with the decoding device (col. 7, lines 40-48, Mannings).


Regarding claim 37, all the limitations of this claim have been noted in the rejection of claim 20 above. In addition, Yee/Mannings discloses: wherein the at least one first point includes a geographical point (col. 13, lines 12-38, Mannings).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen  
August 31, 2006

  
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